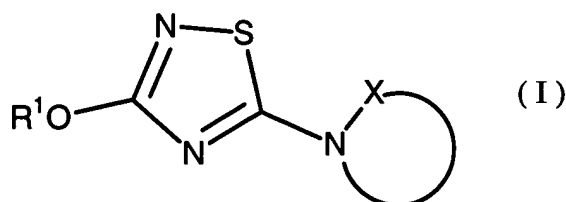


### Amendments to and listing of the Claims:

Please amend claim 5 as follows. This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Original) A 1,2,4-thiadiazole compound of the formula (I):



wherein R<sup>1</sup> represents C3-C7 alkynyl; X represents C4-C7 straight alkylene optionally substituted with one to four of R<sup>2</sup>, C4-C7 straight alkenylene optionally substituted with one to four of R<sup>2</sup>, ethylene-oxy-ethylene optionally substituted with one to four of R<sup>4</sup>, or ethylene-thio-ethylene optionally substituted with one to four of R<sup>4</sup>; R<sup>2</sup> represents a halogen atom, trifluoromethyl or C1-C4 alkyl; and R<sup>4</sup> represents a fluorine atom or C1-C3 alkyl.

2. (Original) The 1,2,4-thiadiazole compound according to claim 1, wherein X is C4-C7 straight alkylene optionally substituted with one to four of R<sup>2</sup>, C4-C7 straight alkenylene optionally substituted with one to four of R<sup>2</sup>, or ethylene-oxy-ethylene optionally substituted with one or two of R<sup>4</sup>; R<sup>2</sup> is a halogen atom, trifluoromethyl or C1-C4 alkyl; and R<sup>4</sup> is C1-C3 alkyl.

3. (Original) The 1,2,4-thiadiazole compound according to claim 1, wherein X is C4-C7 straight alkylene optionally substituted with one to four of R<sup>2</sup>; and R<sup>2</sup> is a halogen atom, trifluoromethyl or C1-C4 alkyl.

4. (Original) The 1,2,4-thiadiazole compound according to claim 1, wherein X is ethylene-oxy-ethylene optionally substituted with one to four of R<sup>4</sup>; and R<sup>4</sup> is C1-C4 alkyl.

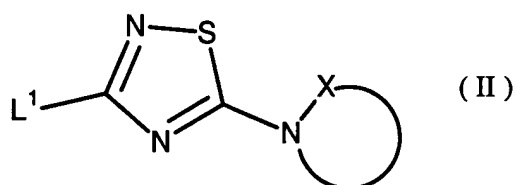
5. (Currently Amended) The 1,2,4-thiadiazole compound according to ~~any of~~ claim 1 ~~[[to 4]]~~, wherein R<sup>1</sup> is 2-propynyl, 2-butylnyl, 1-methyl-2-butylnyl, 2-pentylnyl, 4,4-dimethyl-2-pentylnyl, 1-methyl-2-propynyl and 1,1-dimethyl-2-propynyl.

6. (Original) A pests controlling composition containing the 1,2,4-thiadiazole compound according to claim 1 as an effective amount of active ingredient and a carrier.

7. (Original) A method for controlling pests comprising applying an effective amount of the 1,2,4-thiadiazole compound according to claim 1 to pests or habitat of pests.

8. (Original) Use of the 1,2,4-thiadiazole compound according to claim 1 as an active ingredient for a pests controlling composition.

9. (Original) A 1,2,4-thiadiazole compound of the formula (II):



wherein  $L^1$  represents methylsulfinyl or methylsulfonyl; X represents C4-C7 straight alkylene optionally substituted with one to four of  $R^2$ , C4-C7 straight alkenylene optionally substituted with one to four of  $R^2$ , ethylene-oxy-ethylene optionally substituted with one to four of  $R^4$ , or ethylene-thio-ethylene optionally substituted with one to four of  $R^4$ ;  $R^2$  represents a halogen atom, trifluoromethyl or C1-C4 alkyl; and  $R^4$  represents a fluorine atom or C1-C3 alkyl.

10. (Original) The 1,2,4-thiadiazole compound according to claim 9, wherein X is C4-C7 straight alkylene optionally substituted with one to four of  $R^2$ , C4-C7 straight alkenylene optionally substituted with one to four of  $R^2$ , or ethylene-oxy-ethylene optionally substituted with one or two of  $R^4$ ;  $R^2$  is a halogen atom, trifluoromethyl or C1-C4 alkyl; and  $R^4$  is C1-C3 alkyl.